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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,113	08/13/2003	Huang Kun Chen	15666 B (4049 SF)	3510
7590	10/11/2005		EXAMINER	
Charles E. Baxley, ESQ. 3rd Floor 90 John Street New York, NY 10038			HANSEN, JAMES ORVILLE	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/643,113

Applicant(s)

CHEN, HUANG KUN

Examiner

James O. Hansen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 13 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 13-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on June 30, 2005.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1-12 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 1, the recitations of “a channel formed therein” lines 2-3 & 4-5 respectively, appear to be misdescriptive of the embodiments depicted since the channels are not actually “formed” with the plates but are attached/secured or defined on the plates. Appropriate correction is required. In Claim 2, line 2, the phrase “a front and a rear posts” is unclear as presently worded [appears that “posts” should be --post--]. In Claim 3, line 1, the phrase “each of” is unclear as presently utilized since only one “bottom plate” is embodied. In Claim 3, lines 2-3, the phrase “said front and said rear posts” as presently worded is unclear and confusing since the limitation recites a plurality of rear posts as presently recited [should be either --said front and rear posts-- or --said front post and said rear post--]. In Claim 7, line 4, the phrase “andsecure” should be --and secure--. In Claim 16, line 3, the phrase “includes two rear flanges” is misdescriptive of the embodiments since the specification only recites one rear flange being present. Consequently, the remaining claims are rejected because they are dependent upon an indefinite claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5, 7, 12 & 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Chang [U.S. Patent No. 6,409,293]. Chang (figures 1-22) teaches of a cabinet (fig. 1) comprising: two side plates (2) each including a lower portion having a channel (formed via the side channels and the planar portion of the panel when viewed along the longitudinal direction) formed therein as best understood by the examiner, at least one rear plate (1) including a lower portion having a channel (formed via the side channels and the planar portion of the panel when viewed along the longitudinal direction) formed therein, an upper plate (3) secured on top of the side plates and the at least one rear plate, an upper and a lower beam (6 & 60 respectively – so far as broadly recited) secured between front portions of the side plates respectively, and a bottom plate (4) including two side flanges (41) and a rear flange (41) extended downwardly therefrom and engageable into the channels of the side plates and the at least one rear plate, to latch and secure the bottom plate to the side plates and the at least one rear plate as readily apparent to the examiner, wherein each of the side plates includes a front and a rear post (21, 20) each having a first panel perpendicular to the side plates and a second panel parallel to the side plates respectively, wherein the bottom plate includes four corner notches (40) to receive the front and the rear posts of the side plates respectively, wherein each of the first panels of the front and the rear posts of the side plates includes a plurality of slots (201) formed therein, the cabinet further includes a plurality of hooks (24) engaged to the slots respectively, and

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at least one inherent shelf for selectively engaging and being supported by the hooks; wherein each of the rear posts of the side plates include a groove (202) formed therein, and the rear plate includes at least one ear (viewed as the fastener when inserted into the rear plate) extending therefrom to engage into the groove and secure the plates together so far as broadly recited; wherein the lower beam includes a "fence" (viewed as the inner vertical side member of the lower beam) extending upwardly therefrom (depends upon viewed orientation of the beam), and the bottom plate includes a front flange (42) extending downwardly and engageable with the fence to help to latch and secure the bottom plate to the lower beam so far as broadly recited; wherein the rear plate includes a "lever" (12) provided on a top and the upper plate includes one flap (viewed as the rims of the top defining the gaps (30)) extending downwardly to form a space (30) to receive the lever; wherein the cabinet comprises two rear plates (1,1) with a first rear plate including an inner side portion (any side portion) and the second rear plate includes a "board" (post for example) and engageable with the side portion and includes a "hook" (5) to engage the two rear panels together, wherein the bottom plate includes a notch (middle 40) to receive the board and hook arrangement.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 & 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang. Chang teaches applicant's inventive claimed structure as disclosed above,

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wherein Chang now discloses one beam (6) including two extension (60) extending therefrom and engaging with and secured to the front posts via members (213); but does not disclose a second beam. Accordingly, the position is taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate an additional beam within the cabinet assembly of Chang, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art, wherein the addition of another beam would serve to enhance the stability and rigidity of the cabinet structure..

8. Claims 8-10 & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Schmidt [U.S. Patent No. 2,571,622]. Chang teaches applicant's inventive claimed structure as disclosed above, but does not show each of the plates as having "flaps" secured to them so as to define a channel, with the bottom plate having a "catch" to be engaged with the channel. Schmidt (figures 1-13) is cited as an evidence reference to show that it was known in the art to provide a cabinet having panels (13, 14 for example) with flaps (39, 40) secured to them so as to define a channel and be engaged with a catch (35, 36) located on a bottom panel (12) for the purpose of securing the vertically positioned panels to the horizontal bottom panel. Accordingly, the position is taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a "flap" and "catch" securement means with Chang's cabinet structure as taught by Schmidt because this arrangement would provide for a secure seating of the vertical panels with respect to the bottom panel while allowing a quick disassembly of the panels if needed since no mechanical fasteners or tools are needed to perform the intended operation.

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9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Mastrangelo [U.S. Patent No. 3,765,740]. Chang teaches applicant's inventive claimed structure as disclosed above, but does not show a track on a beam for accommodating sliding doors. Mastrangelo (figures 1-6) is cited as an evidence reference to show that it was known to incorporate a lower beam (40') having a track (fig. 4) for the purpose of retaining sliding doors (74) within a cabinet assembly. Accordingly, the position is taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a track with sliding doors as taught by Mastrangelo because this arrangement would provide for a means to restrict access within the front opening of the cabinet while allowing a convenient way to gain access within the cabinet [slid either door].

Conclusion

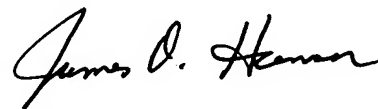
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bales, Doult, Haag, Lesperance et al., Znamirowski et al., Berton et al., and French publication 2241952 describe cabinets having assembling structures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can normally be reached on Monday-Friday between 8-4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
September 30, 2005